

MINUTES
UTAH
SUBSTANCE ABUSE COUNSELORS
BOARD MEETING

August 15, 2007

Room 402 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111

CONVENED: 9:14 A.M.

ADJOURNED: 11:06 A.M.

Bureau Manager:
Board Secretary:

Noel Taxin
Karen McCall

Board Members Present:

Shawn M. McMillen, Chairperson
Linda Cornaby
Joel Millard, DSW
Ronald K. Wilkey
Kelly J. Lundberg, Ph.D.

Board Members Absent:

Stephen R. Sheppard, Ph.D.
Patrick J. Fleming

Guests:

Gloria Boberg, LSAC, CAC, President of AUSAP
Dave Felt

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

Ms. Taxin informed the Board that the minutes from the July 25, 2007 meeting are quite short. She asked the Board to read through the July 25, 2007 minutes at this time.

Following the review of the July 25, 2007 minutes, Dr. Lundberg made a motion to approve them as read. Mr. Wilkey seconded the motion. The Board vote was unanimous.

APPOINTMENTS:

9:45 A.M.

New Application Review

Ms. Taxin explained that she and Dave Felt met and

put together an application for the Board to review. She stated that there are some errors that have been noted and will need to be corrected. She asked the Board to review the application and be sure the information is clear regarding requirements for the different levels of licensure. Ms. Taxin stated that people are very confused as they don't understand the new Law.

Ms. Cornaby asked if the Qualifying Questionnaire is appropriate for Substance Abuse Counselors.

Ms. Taxin responded that the Qualifying Questionnaire is standard in each application.

Mr. Felt asked the Board and Ms. Taxin to turn to page 3, number 2, Supervised Experience. He recommended first bullet point for the supervision hours be changed to 1 hour of supervision for every 40 hours of work as reflected in the proposed Rules.

Mr. Felt also recommended in the second bullet the word behavior be changed to behavioral.

Mr. Felt brought it to the attention of the Board and Ms. Taxin that there is information regarding an exception for those without education and hours of experience. He stated that this exception will only be applicable for about 1 ½ years at the most. He stated that instead of trying to change the application Ms. Taxin might put in a paragraph for clarification.

Mr. McMillen noted that under Supporting Documents and Fees for Licensed and Certified Substance Abuse Counselor Applications, number 7 already has the exception with clarification of applications submitted prior to January 1, 2009. He stated that number 7 does mean that no one will be able to use this exception after January 1, 2009.

Dr. Lundberg referred the Board and Ms. Taxin to pages 14 and 15, the Verification of Supervised Experience. Dr. Lundberg pointed out that the spacing needs to be adjusted and the face to face supervision needs to be changed from every 20 hours to every 40 hours. Dr. Lundberg suggested

including a question in the Verification which asks if the experience was a practicum or work experience.

Ms. Taxin responded that in September 2007 everyone will be required to be licensed as a Certified Substance Abuse Counselor Intern to work.

Dr. Lundberg commented that this form could be used to apply for the CSAC Intern license. She stated that applications have been reviewed by the Board that have documentation of the work experience instead of the supervised practicum.

Ms. Taxin asked Dr. Lundberg to explain her comment as she understood that people were working to collect the required 2000 hours or 4000 hours for licensure.

Dr. Lundberg asked how the Division will verify the required 300 hours of practicum.

Mr. Felt responded that the practicum will be verified through the school with a certificate of completion.

Mr. McMillen stated that the Board has seen applications where individuals have tried to include the 300 hours of practicum in their work experience.

Ms. Taxin responded that the 300 hours of practicum must be verified for the CSAC Intern license to be issued.

Mr. McMillen stated that any working hours will not count until the individual has passed the test and obtained a certificate of completing the 300 hours of practicum.

Mr. Felt stated that there may be some fuzziness for the 1 ½ years until those who are under the exception complete their required hours.

Mr. McMillen referred the Board and Ms. Taxin to page 2 of the application instructions under Information for Certified Substance Abuse Counselor Intern and Extern Applications. He

pointed out that the 300 hours of education or 300 hours of practicum is referred to under number 2.

Ms. Taxin explained that the Extern license is for an individual who has not completed the education and the Intern license is for those who have completed the education. She stated that the Extern license is the short term license for those completing their hours.

Mr. McMillen clarified that these are individuals in the rural communities who have put together a package of education and/or training and have an appropriate supervisor. He asked if this option goes away.

Ms. Taxin stated that in the Law, 58-60-506(5)(a) and (b), the Extern license will be for 2 years or until January 2010, whichever comes first. Ms. Taxin stated that the Extern option will not be available after January 2010 as everyone will need to meet that requirement.

Mr. McMillen responded that he would like the application information to clearly stated that the Extern option will expire out.

Ms. Taxin suggested she include a statement that notifies the applicant that the Extern option is only available until January 2010. She stated that the Extern license was intended for those already in the process to be licensed to complete the process.

The Board agreed that the statement should be included in the application.

Mr. Felt stated that the intent of the Extern is that it would be close in requirements to the Social Work Extern license.

Ms. Taxin stated that Social Work does not use the Extern license as they are required a specific education that must be met to be licensed. She stated that the Extern license has been issued to Professional Counselors and Marriage and Family Therapist. Ms. Taxin stated that there have been some problems with the Extern license. She stated that the CSAC Extern

license would be a different type of Extern license as the CSAC Extern is not allowed to conduct any mental health therapy.

Mr. McMillen again requested clarification be included in the application.

Board members agreed.

Ms. Taxin asked if there were any other areas of concern in the proposed application.

Mr. Wilkey asked if AUSAP is the only agency that administers the examination.

Ms. Taxin responded that he is correct.

Ms. Taxin stated that the application may be changed or updated at any time if necessary.

Dr. Lundberg asked if AUSAP will post the Laws and Rules on their website with an explanation of the different levels of licensing.

Ms. Boberg responded that she will post the information on the AUSAP website.

Dr. Lundberg asked if an explanation of the different levels of licensing could be included in the application.

Ms. Taxin responded that it is not appropriate to include an explanation in the application as it is an application for licensing and not an application for information.

Dr. Lundberg asked if the Laws and Rules references could be included in the application beside each level of licensing as it is quite complex.

Mr. McMillen responded that there is an affidavit in the application that each applicant must sign that verifies that they have read the Laws and Rules and understand them. He stated that the Substance Abuse Counselors need to be more professional and know their Laws and Rules. He

stated that explaining the levels of licensure might be something the education instructor should include during the course.

Mr. Wilkey suggested the Association educate licensees and potential licensees.

Dr. Millard responded that education instructors would not take the responsibility of explaining.

Ms. Taxin responded that she could only copy the Laws and Rules verbatim and would not be able to write an explanation in the application. She stated that the reference would be 58-60-501 for the Law and R156-60d for the Rules. Ms. Taxin suggested she include insert a statement under number 1 which would read: For qualifications of each license classification refer to 58-60-506.

Dr. Lundberg thanked Ms. Taxin for this solution.

Ms. Boberg offered to also include the application on the Association website.

Ms. Taxin stated that once the Proposed Rules are approved the application will be available for applicants. She stated that until that time applicants will use the current application.

Mr. Felt commented that there might be a lot of applications submitted at one time when the proposed Rules and new application are available. He recommended the new application be available on the website as soon as possible.

Ms. McCall responded that it would be better to wait for all the correct information to be available at one time to cut down on the number of questions.

Ms. Taxin responded that she will not be able to post the new application on the website until the proposed Rules have been approved as it would be enforcing unapproved Rules. She stated that she will discuss the issue with the attorney for a recommendation.

Mr. Wilkey made a motion to approve the

proposed application with the changes that were discussed today.

Ms. Cornaby seconded the motion.

The Board vote was unanimous.

DISCUSSION ITEMS:

Update on Rules Hearing

Ms. Taxin stated that she made the requested corrections in the proposed Rules and sent them in for review. She explained that the Rules have gone through 2 reviews and there are 2 more reviews to go through. Ms. Taxin stated that she is hopeful that no one will find any errors. Ms. Taxin stated that if the proposed Rules go through the review without any changes a Rules Hearing will be scheduled prior to the October 2, 2007 Board meeting. Ms. Taxin explained the Rules Hearing process and stated that Board members are not required to attend the Hearing but the Board will meet after the Hearing to discuss the proposed Law changes and other issues.

Ms. Taxin stated that Mr. Felt sent her a copy of the proposed Law update as the Law needs to be corrected. She stated that he underlined most of his corrections. Ms. Taxin asked the Board to take the document home and review it to be sure they understand the corrections and that there are not additional areas that need correcting. She asked Board members to be prepared with comments at the October 3, 2007 Board meeting.

Mr. Felt asked if the Board would review 2 areas today.

The Board responded that they would review the 2 areas.

Mr. Felt asked the Board to review 58-60-508(1) and (2). He stated that (1)(g) is in conflict with (2)(c) as (1)(g) allows the supervisor to supervise 5 and (2)(a) allows for the supervisor to supervise no more than 3.

Mr. McMillen responded that (1)(g) supervision is for the Licensed Substance Abuse Counselor. He

stated that (2)(a) is supervision for the lesser levels of licensing, the Certified Substance Abuse Counselor, the Certified Substance Abuse Counselor Intern and the Certified Substance Abuse Counselor Extern. Mr. McMillen stated that these levels need more supervision than the LSAC.

Mr. Felt thanked Mr. McMillen for the explanation.

Ms. Taxin again asked the Board to review the proposed Law very carefully with the proposed Rules to be sure everything reads correctly.

Dr. Lundberg asked how many people the mental health therapist is allowed to supervise.

Ms. Taxin responded that the LCSW may supervise no more than 3 CSW's but the Law does not address supervision completely as the LCSW could supervise 3 CSW's and an undetermined number of other licensees. She stated that it is difficult for one supervisor to supervise too many people. Ms. Taxin stated that the goal is for the person being supervised to have a good experience, be educated and supported.

Ms. Taxin stated that she believes Mr. Felt's and Mr. Cortez's perspective is for LSAC's not to be supervised after they are licensed.

Mr. Felt responded that the LSAC would go from direct supervision to general supervision.

Ms. Taxin stated that the Board would need to be comfortable with the general supervision requirements as once the Law goes through in 2008 the Association does not want to open it up again.

Dr. Lundberg asked if the intent of supervising 5 LSAC's is for the supervision to be general supervision. She stated that the general supervision will not be an issue for the rural areas that don't have mental health therapists they can supervise.

Ms. Taxin recommended the Board have a specific

number of each level they supervise.

Mr. Felt stated that if there are 3 people working 20 hours a week the supervision is very different than having 5 people working 40 hours a week.

Ms. Taxin responded that Mr. Felt is talking about a different situation and may request the Board for approval to supervise additional licensees. She stated that it is a concern when a supervisor has a full case load and then requests approval to supervise 5 or 6 other licensees.

Mr. Felt asked Ms. Taxin to explain what information is given out to an individual who has the masters degree and wants to be a License Substance Abuse Counselor but does not want to go through the Substance Abuse education program.

Ms. Taxin asked what the major is for the masters program.

Mr. Felt responded that he does not know.

Ms. Taxin explained that a LCSW, MFT or PC may do substance abuse counseling under their license or they can get the education and be a Licensed Substance Abuse Counselor just like anyone else.

Mr. Felt responded that he has the Certified Abuse Counselor certification, CAC.

Ms. Boberg commented that it appears that the individual in question is not aware of the licensing requirements. She stated that there appears to be some confusion at the Utah State Hospital regarding the LSAC scope of practice. She stated she has an appointment with the individual Mr. Felt is asking about and will give him the correct information.

Ms. Taxin stated that the individual may have just the certification but if he wants the Substance Abuse Counselor license he must meet the requirements for license.

FYI

Ms. Taxin informed the Board that she has completed

the Order to Show Cause on Gregory J. McSherry for non-compliance with his Stipulation and Order. Ms. Taxin stated that the Hearing on Mr. McSherry is scheduled for October 3, 2007.

FYI

Ms. Taxin took a few minutes to update the Board on current probationers and concerns.

Ms. Taxin explained that Teresa Lloyd did not renew her license on May 31, 2007. Ms. Taxin stated that Ms. McCall called Ms. Lloyd to remind her that she must have an active license as a requirement of her probation. She stated that Ms. Lloyd submitted the renewal fee with check that was written on a closed account and did not make good on the check. Ms. Taxin stated that the Division sent the account to collections and Ms. Taxin called Ms. Lloyd regarding the collections and other issues. She stated that Ms. Lloyd paid the collection fee last night, August 14, 2007.

Ms. Taxin voiced frustration and concern regarding Ms. Lloyd being 2 ½ months late in making sure her Substance Abuse Counselors license was renewed properly, no monthly reports have been received since November 27, 2006, no letter has been received from Red Rock regarding her employment status, who her supervisor is and that the agency and supervisor have read the Stipulation and Order as required on May 2, 2007, no job description has been received from Red Rock as requested by the Board on May 2, 2007, no personal phone number was been received until August 14, 2007, a message number belonging to Lynn Dangerfield was given to the Division on February 21, 2007 when Ms. Lloyd met with the Board, and no notification has been received from Ms. Lloyd confirming she is working in the field of Substance Abuse Counseling as required by her Stipulation and Order so she is not working off her probationary time.

Ms. Taxin asked the Board for input regarding Ms. Lloyd.

The Board requested Ms. Lloyd's portion of the May 2, 2007 minutes be read.

Ms. McCall read the minutes.

Mr. Wilkey stated that Red Rock is a licensed Substance Abuse and Mental Health Therapy facility.

Mr. Wilkey made a motion for Ms. Taxin to do an Order to Show Cause on Ms. Lloyd's license for continued non-compliance with her Stipulation and Order.

Dr. Lundberg seconded the motion.

The Board vote was unanimous.

Dr. Lundberg asked if anything has come of the Private Probation Agencies conducting Substance Abuse Counseling.

Ms. Taxin responded that the Judges are still assigning the agencies to oversee the probation and to do the Substance Abuse Counseling. She stated that she has had calls asking if it is a conflict and she tells them it is a dual relationship as they are making recommendations to themselves.

Mr. Wilkey commented that the Division regulates the individual licenses but does not regulate the agency.

Ms. Taxin stated that Mr. Wilkey is correct.

Dr. Lundberg stated that is not so much an LSAC issue. She explained that as Deb Hendren was leaving and Ms. Taxin was coming in the issue was going to be sent to the AG's office for a recommendation.

Ms. Taxin responded that she could ask Clyde Ormond, the Private Probation Officer Bureau Manager, to meet with the Board and give an update of where the issue stands and if anything has changed.

The Board recommended Ms. Taxin ask Mr. Ormond to meet with them at the November 7, 2007 Board

meeting.

Mr. Wilkey asked if there are Licensed Substance Abuse Counselors that have dual licenses.

Ms. Taxin responded that there. She stated that a LCSW may also have the LSAC license. Ms. Taxin stated that every probationer who is sent to the Private Probation Officer does not necessarily require Substance Abuse Counseling.

Mr. Wilkey asked if the issue could be address in the Rules.

Ms. Taxin responded that the Substance Abuse Counselor Rules can only address the Substance Abuse Counselors profession as you cannot address other professions in your Laws and/or Rules. She stated that the Board might be able to add something in Unprofessional Conduct. She stated it would have to be a general statement such as it is unprofessional conduct to have a dual relationship with a client. Ms. Taxin stated that between the Code of Ethics and the Law there is something that addresses it is unlawful to have a dual relationship.

Mr. Wilkey asked if there are many investigations on this issue.

Ms. Taxin responded that she receives a lot of phone calls. She stated that when they call she informs them that she believes there is a conflict and she sends the call down to investigations.

Ms. Boberg asked how a person would know there is a conflict at the agency.

Dr. Lundberg responded that the agency is a probation agency that also provides Substance Abuse Counseling. She stated that the client probably would not know there is a conflict. Dr. Lundberg explained that the Substance Abuse Counselor could say they do the counseling but Mr. or Ms. X down the hall does the probation monitoring.

Ms. Boberg stated that she is aware of an individual

who was required to go to a Private Probation Officer and a Substance Abuse Counselor to complete their probation requirements.

Dr. Lundberg commented that this is not a LSAC Board issue but does affect many of the Substance Abuse Counselors clients.

Ms. Taxin again stated that she will ask Mr. Ormond to meet with the Board.

NEXT MEETING SCHEDULED FOR:

Ms. Taxin reviewed the Board meeting schedule for the remainder of the year.

The Board noted that there will be 2 Hearings on October 3, 2007 and a regular Board meeting on November 7, 2007.

Ms. Taxin reminded the Board that a quorum will be required for the McSherry Hearing and the full Board should be present. Ms. Taxin stated that she wanted to have a discussion about attendance of Board members. Ms. Taxin noted that Mr. Fleming has missed several meetings. She stated that he has a lot to offer but has not been available to give his input. She stated that when Board members are not present it does not help the Board with decisions. Ms. Taxin stated that she will contact Mr. Fleming.

Mr. McMillen responded that it is his responsibility as Board chairperson to contact Mr. Fleming. He stated that Mr. Fleming and Dr. Sheppard contacted the Division regarding their absence today. Mr. McMillen stated that this is the budget season for Mr. Fleming and he is very busy this time of year, but Board members need to be aware of the importance of their attendance.

Following further discussion, Ms. Taxin stated that she and Board are a team. Ms. Taxin stated that it makes it difficult when there is a void of either Board members or Division staff as the input and ideas of the Board/Division are important. She stated that it is better to discuss issues openly and that is why she brought up the subject so everyone is on the same page. She stated that every Board member is

important.

Dr. Lundberg asked Mr. McMillen to contact Mr. Fleming regarding the dates of the next 2 Board meetings.

Mr. McMillen responded that this year has been a very demanding year with more than usual meetings to review the proposed Law, then the enacted Law, the proposed Rules, the proposed application and again another proposed Law. He reminded Ms. Taxin and Board members that the Board also has their normal employment outside the board commitment.

Ms. Taxin stated that it is distracting for Board members to be late or to leave early. She stated that the quorum of the Board is necessary for making the motions and voting and it is concerning that all Board members are not available for the business being conducted.

Dr. Lundberg stated that the Board needs gentle reminders but also for the Division to understand that other Board members have been absent in addition to Mr. Fleming.

Ms. Taxin requested Board members to try to arrange their schedules to attend the meetings.

ADJOURN:

The time is 11:06 am and the meeting is adjourned.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

October 3, 2007
Date Approved

(ss) Shawn McMillen
Chairperson, Utah Substance Abuse Counselors
Licensing Board

August 23, 2007
Date Approved

(ss) Noel Taxin
Bureau Manager, Division of Occupational &
Professional Licensing